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February 19, 2021

Via ECF

Honorable Lewis J. Liman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

***Re: HC2, Inc. v. Andrew Delaney
Civil Action No. 20-cv-03178-LJL***

Dear Judge Liman:

This firm represents HC2, Inc. Plaintiff submits this letter in accordance with this Court's Order dated January 29, 2021 instructing the parties to report by February 19, 2021 on the outcome of settlement discussions.

Plaintiff writes to respectfully report that Plaintiff was unable to proceed at the February 10, 2021 mediation beyond introductory greetings in light of Plaintiff's February 9, 2021 discovery of Defendant's December 23, 2020 Chapter 7 bankruptcy petition. (*See* ECF No. 122). Under 11 U.S.C. § 362, Plaintiff was unable to engage in any effort to compromise Plaintiff's claims against Defendant at the February 10th mediation, or since then, as doing so would be litigation conduct in continuance of Plaintiff's claims.

Plaintiff acknowledges Defendant's request in his letter dated February 10, 2021, asking that this Court decide Defendant's pending motion to dismiss for lack of subject matter jurisdiction. Plaintiff takes no position on that request in light of the automatic stay.

Additionally, the mediation office instructed the parties to submit a status update by February 24, 2021. In light of the automatic stay, Plaintiff asks to be excused from further mediation at this time.

Honorable Lewis J. Liman

February 19, 2021

Respectfully Submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

s/ Michael Nacchio

Michael Nacchio

cc: Robert Rotman, Esq.
Valerie L. Weiss, Esq.

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